

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 6, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-28131 - APPLICANT: YONATAN MABAT - OWNER: THE JUNIOR CORP.

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.050 for Secondhand Dealer use.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. No temporary signs such as banners, pennants, inflatable objects, streamers, flags, or other similar attention gaining item or devices shall be displayed upon the subject property or a vehicle displayed for sale in the parking lot of the subject property without the appropriate permits.
4. No outdoor display, sales or storage of any merchandise is permitted.
5. On site handicapped parking must be brought into compliance with Title 19.10 standards prior to issuance of a certificate of occupancy.
6. Any new signage on the site must be in compliance with the Las Vegas Boulevard Scenic Byways Overlay District standards.
7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a 528 square-foot Secondhand Dealer at 806 Las Vegas Boulevard South. A previous Special Use Permit (U-0043-01) was approved for the Secondhand Dealer use on the subject site but has since expired. The submitted floor plan shows a display area, storage and restroom facilities. The applicant would like to sell jewelry, artwork and other household goods and has no plans to sell mechanical equipment, tools, furnishings or any automotive related materials.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/18/91	The City Council approved a Special Use Permit for a Class III Secondhand Dealership for the buying and selling of used gold and silver (U-268-91) and required a two year review of [U-0268-91(2)] of an approved Special Use Permit (U-268-91).
1/20/93	The City Council approved a one year review and required an additional one year review of [U-0268-91(2)] of an approved Special Use Permit (U-268-91).
2/16/94	The City Council approved a one year review and required an additional review in two years of [U-0268-91(2)] of an approved Special Use Permit (U-268-91).
03/20/96	The City Council approved a one year review and required a two year review of [U-0268-91(2)] of an approved Special Use Permit (U-268-91).
04/27/98	The City Council approved and required no further reviews for a Class III Second Hand Dealers License at the subject site.
06/26/08	The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #19/leh).
<i>Related Building Permits/Business Licenses</i>	
07/26/95	A building permit (#095875441) was issued for a wall sign at 805 South Las Vegas Boulevard. This project was completed on 08/16/95.
07/03/01	A building permit (#01011948) was issued for Non-Work Certificate of Occupancy at 806 South Las Vegas Boulevard. This project was completed on 07/19/01.
12/21/06	A business license (#G04-06369) was issued for Gifts and Novelties at 806 South Las Vegas Boulevard. This license is no longer active as of 01/14/08, due to an outstanding bill.

<i>Pre-Application Meeting</i>	
04/10/08	The requirements for a Special Use Permit for a Secondhand Dealer were discussed, including provisions prohibiting outdoor display of merchandise at this location.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required, nor was one held.	

<i>Field Check</i>	
05/21/08	The subject site is currently a vacant storefront; existing signage does not appear to comply with the Las Vegas Scenic Byways standards.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	.17

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Retail Commercial	MXU (Mixed Use Development)	C-2 (General Commercial)
North	Retail Commercial	MXU (Mixed Use Development)	C-2 (General Commercial)
South	Retail Commercial	MXU (Mixed Use Development)	C-2 (General Commercial))
East	Retail Commercial	MXU (Mixed Use Development)	C-2 (General Commercial)
West	Office Development	MXU (Mixed Use Development)	C-2 (General Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan (Las Vegas Boulevard)	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Overlay District	X		Y
Las Vegas Boulevard Scenic Byway Overlay District		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

*A condition has been added requiring any additional signage to be in compliance with the Las Vegas Boulevard Scenic Byway Overlay District standards.

DEVELOPMENT STANDARDS

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Pawn Shop	6,572	1/250 S/F	26				
Thriftshop	528	1/250 S/F	2				
SubTotal			28	2	4	0	
TOTAL			28	2	4	0	Y*

**The subject site is located in the Downtown Centennial Plan area and is therefore not automatically subject to the parking requirements listed in Title 19.10.*

ANALYSIS

This is a request for a Special Use Permit for a 528 square-foot Secondhand Dealer at 806 South Las Vegas Boulevard. The subject site is located in a 7,000 square-foot commercial center which was constructed in 1949. The submitted floor plan shows a primary customer service area and small storage area and a single restroom. The applicant would like conduct an online secondhand sales business from this location as well as primarily selling used electronics and jewelry from the storefront. Currently the storefronts adjacent to the subject site are a pawn shop and dry cleaners.

This use has no negative impact to the adjacent commercial properties or surrounding area and, therefore staff recommends approval of this request.

- **Zoning**

The site is zoned C-2 (General Commercial). The C-2 District is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows, retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. This district should be located away from low and medium density residential development and maybe be used as a buffer between retail and industrial uses. The C-2 District is also appropriate along commercial corridors. The zoning district and this use conform to the existing MXU (Mixed Use) General Plan land use designation. Currently the commercial center is also occupied by an existing pawn shop.

- **Use**

Title 19 defines a Secondhand Dealer as “a specialty shop which deals solely in one kind of used commodity with no new commodities, or a business in which the sale of secondhand or used articles is incidental to the sale of new articles of the same kind. For purposes of this description, the sale of secondhand or used articles is deemed to be incidental to the sale of new articles. Used articles may include wearing apparel, furniture, fixtures, appliances, tableware, offices supplies, pictures, paintings, jewelry, cutlery or guns.” The definition of the use does not include a Thriftshop or Nonprofit Thriftshop, which are separately defined by the Zoning Code. A condition of approval has been added to ensure conformance of this requirement.

This proposed establishment is also located along Las Vegas Boulevard and is subject to the restriction of no outdoor display

- **Parking**

The subject site is located in the Downtown Centennial Plan area and is therefore not automatically subject to the parking requirements listed in Title 19.10. Additionally the subject site is a parking impaired development, which was constructed in 1949. Under Title 19.10, current standards the site is deficient by 24 spaces and it would appear that most if not all the current on site parking is taken up by the employees of the two retail pads on the site. There are also no handicapped spaced dedicated and the condition has been added to require them.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

This use is allowable by code in this C-2 (General Commercial) district. The use which will be located in an existing center which was built in 1949 and has been operating as a commercial property since that time. The other commercial uses in the surrounding area will not be adversely impacted by this use.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is a commercial property that has been in use since 1949, and is physically suitable for the intensity of the proposed use.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

This proposed location fronts Las Vegas Boulevard, 100-foot wide Primary Arterial designated by the City of Las Vegas Master Plan of Streets and Highways and is more than adequate to meet any demand this proposed establishment will generate.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The subject site is located within the Downtown Centennial Sector of the General Plan in an MXU (Mixed Use) land use category. The existing C-2 (General Commercial) Zone is consistent with the GC (Service Commercial) land use category. The proposed Secondhand Dealer is permitted in the C-2 (General Commercial) Zone with the approval of a Special Use Permit, subject to meeting the base conditions for the Special Use.

5. **The use meets all of the applicable conditions per Title 19.04.**

The use conforms with all Special Use Permit requirements under Title 19.04 pertaining to a Secondhand Dealer. A condition of approval has been added to restrict any outdoor display, sales or storage of materials associated with this proposed use.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 9

SENATE DISTRICT 3

NOTICES MAILED 209 by City Clerk

APPROVALS 0

PROTESTS 6